

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Glenn Hoskinson
Department of Commerce, Community, and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: February 15, 2022

RE: Filed Permanent Regulations: Board of Pharmacy

Department of Commerce, Community, and Economic Development; Board of Pharmacy regulations re: PDMP database registration, renewal, and dispensing status notice requirements (12 AAC 52)

Attorney General File:	2021200355
Regulation Filed:	2/15/2022
Effective Date:	3/17/2022
Print:	241, April 2022

cc with enclosures: Joseph Felkl, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF PHARMACY

The attached three pages of regulations, dealing with registration with the prescription drug monitoring program (PDMP) controlled substance prescription database, PDMP registration renewal, and change in dispensing or distributing of controlled substances, are hereby certified to be a correct copy of the regulation changes that the Board of Pharmacy adopted at its November 18, 2021 teleconference meeting, under the authority of AS 08.80.005, AS 08.80.030, and AS 17.30.200, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Pharmacy paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: _____

Digitally signed by Laura
Carrillo
Date: 2021.12.07
14:55:14 -09'00'

Laura Carrillo, Executive Administrator
Alaska Board of Pharmacy

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on February 15, ²⁰²²~~2021~~ at 2:57 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Kevin Meyer, Lieutenant Governor

Effective: March 17, 2022

Register: 24th April 2022

Chapter 52. Board of Pharmacy.

12 AAC 52.855(c) is amended to read:

(c) Except as provided in (a) of this section, before dispensing, prescribing, or administering a schedule II, III, or IV controlled substance under federal law, a pharmacist or practitioner required to register with the PDMP must

- ^{database (bold/U.L.)}
(1) register online on the PDMP ^{by providing} [WEBSITE; AND]
^{an electronic mail address corresponding to an electronic mail account accessible to and utilized}
(A) a non-shared e-mail address; ^{exclusively by the registering pharmacist or practitioner;} } (bold/U.L.)
^{created by the registrant at the time of registration that meets the}
(B) password; ^{minimum requirements set by the PDMP database;} } (bold/U.L.)
^{selected from the options provided by the PDMP database that most}
(C) user role; ^{closely corresponds to the registrant's professional role;} } (bold/U.L.)
^{the registrant's}
(D) healthcare specialty;
^{registrant (bold/U.L.)}
(E) the DEA number issued to the prescriber, or if a pharmacist, the
^{number (bold/U.L.)}
employer's DEA; and

(2) pay the fee established in 12 AAC 02.107.

12 AAC 52.855(d) is amended to read:

(d) After completing the registration requirements, a pharmacist or practitioner required to register with the PDMP will be issued a ^{PDMP designation (bold/U.L.)} ~~registration number~~ [USER ACCOUNT, LOGIN NAME, AND PASSWORD BY THE DEPARTMENT].

12 AAC 52.855(e) is amended to read:

(e) A pharmacist or practitioner required to register with the PDMP must access ^{database (bold/U.L.)} information in the PDMP using the credentials identified in (c)(1)(A) and (B) of this section [USER ACCOUNT, LOGIN NAME, AND PASSWORD ISSUED BY THE DEPARTMENT].

Register 241, April 2022 **PROFESSIONAL REGULATIONS**

(Eff. 12/29/2011, Register 200; am 6/7/2018, Register 226; am 5/6/2021, Register 238; am

3 / 17 / 2022, Register 241)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52 is amended by adding a new section to read:

12 AAC 52.856. PDMP ^{designation (load only)} registration renewal. (a) A PDMP ^{designation expires} registration will expire on the same date as the pharmacist's or practitioner's corresponding professional license.

(b) To renew a PDMP ^{designation} registration, a licensee ^{PDMP designation} required to register must submit the fee established in 12 AAC 02.107 on or before the expiration date. (Eff. 3 / 17 / 2022, Register 241)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52 is amended by adding a new section to read:

12 AAC 52.857. Change in dispensing or distributing of controlled substances. (a) A pharmacist ^{registration} registered with the PDMP under 12 AAC 52.855 must notify the board on a form provided by the department when the pharmacist ^{changes their PDMP status to} no longer ^{dispense} dispenses controlled substances in this state ^{not later than from date of the} within 10 days of the change in dispensing status.

(b) A pharmacist who is not required to register with the PDMP and who has met the requirements in 12 AAC 52.855(b) must comply with the requirements in 12 AAC 52.855(c) ^{not later than from the date of a} within 10 days of any change in practice that requires the pharmacist to register with the PDMP.

(c) A pharmacy required to report to the PDMP that no longer dispenses or distributes controlled substances in or to this state must notify the board on a form provided by the department ^{not later than from the date of} within 10 days of the change in dispensing or distributing status.

(d) A pharmacy that obtains a DEA registration after its license or registration is initially

Register 241, April 2022 **PROFESSIONAL REGULATIONS**

granted by the board must notify the board on a form provided by the department ^{not later than} within 10 days

From the date the
1 DEA registration
is issued to the
pharmacy

~~of its intent to dispense or distribute controlled substances~~ (Eff. 3 / 17 / 2022), Register

241)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

Chapter 52. Board of Pharmacy.

(Rekeyed Version)

12 AAC 52.855(c) is amended to read:

(c) Except as provided in (a) of this section, before dispensing, prescribing, or administering a schedule II, III, or IV controlled substance under federal law, a pharmacist or practitioner required to register with the PDMP must

(1) register online on the PDMP **database by providing** [WEBSITE; AND]

(A) an electronic mail address corresponding to an electronic mail account accessible to and utilized exclusively by the registering pharmacist or practitioner;

(B) a password created by the registrant at the time of registration that meets the minimum requirements set by the PDMP database;

(C) a user role selected from the options provided by the PDMP database that most closely corresponds to the registrant's professional role;

(D) the registrant's healthcare specialty;

(E) the DEA number issued to the registrant or, if a pharmacist, the employer's DEA number; and

(2) pay the fee established in 12 AAC 02.107.

12 AAC 52.855(d) is amended to read:

(d) After completing the registration requirements, a pharmacist or practitioner required to register with the PDMP will be issued a **PDMP designation** [USER ACCOUNT, LOGIN NAME, AND PASSWORD BY THE DEPARTMENT].

Register _____, _____ 2022 **PROFESSIONAL REGULATIONS**

12 AAC 52.855(e) is amended to read:

(e) A pharmacist or practitioner required to register with the PDMP must access information in the PDMP database using the credentials identified in (c)(1)(A) and (B) of this section [USER ACCOUNT, LOGIN NAME, AND PASSWORD ISSUED BY THE DEPARTMENT].

(Eff. 12/29/2011, Register 200; am 6/7/2018, Register 226; am 5/6/2021, Register 238; am ____/____/____, Register ____)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52 is amended by adding a new section to read:

12 AAC 52.856. PDMP designation renewal. (a) A PDMP designation expires on the same date as the pharmacist's or practitioner's corresponding professional license.

(b) To renew a PDMP designation, a licensee must submit the fee established in 12 AAC 02.107 on or before the PDMP designation expiration date. (Eff. ____/____/____, Register ____)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52 is amended by adding a new section to read:

12 AAC 52.857. Change in dispensing or distributing of controlled substances. (a) A pharmacist with a PDMP registration under 12 AAC 52.855 must notify the board on a form provided by the department when the pharmacist changes their PDMP status to no longer dispense controlled substances in this state not later than 10 days from the date of the change in dispensing status.

(b) A pharmacist who is not required to register with the PDMP and who has met the

requirements in 12 AAC 52.855(b) must comply with the requirements in 12 AAC 52.855(c) not later than 10 days from the date of a change in practice that requires the pharmacist to register with the PDMP.

(c) A pharmacy required to report to the PDMP that no longer dispenses or distributes controlled substances in or to this state must notify the board on a form provided by the department not later than 10 days from the date of the change in dispensing or distributing status.

(d) A pharmacy that obtains a DEA registration after its license or registration is initially granted by the board must notify the board on a form provided by the department not later than 10 days from the date the DEA registration is issued to the pharmacy. (Eff. ____/____/____, Register _____)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200